

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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EDVIN RUSIS, HENRY GERRITS, )  
PHIL MCGONEGAL, and DAVID HO )  
ENG, individually and on behalf )  
of all other similarly situated individuals, )  
Plaintiffs, )  
v. )  
INTERNATIONAL BUSINESS )  
MACHINES CORP. )  
Defendant )  
\_\_\_\_\_  
)

Civil Action No. 1:18-cv-08434

**PLAINTIFFS' NOTICE OF MOTION FOR ISSUANCE OF NOTICE**

Please take notice that, upon the accompanying Memorandum of Law and annexed materials, Plaintiffs, on behalf of themselves and all others similarly situated, by their undersigned attorneys, shall move the Court before the Honorable Deborah Batts, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, on such day and time as counsel may be heard, for the following relief in this case:

- (1) Issuance of notice to all IBM employees over forty (40) years of age whose employment separated (either because of layoff, discharge, or potential constructive discharge (i.e. resignation)) since July 14, 2017, that they may opt in to join this case pursuant to the Age Discrimination in Employment Act, 29 U.S.C. §§ 621 and § 216(b);
- (2) An order requiring IBM to produce to Plaintiffs a list of the potential opt-in plaintiffs' names, last-known mailing addresses, last-known telephone numbers, email addresses, work locations, dates of employment, and last position held; and

- (3) An order permitting a 90-day period following the issuance of notice during which potential opt-in plaintiffs may opt in to this action.

Dated: January 17, 2019

Respectfully submitted,

EDVIN RUSIS, HENRY GERRITS, and  
PHIL MCGONEGAL, AND DAVID HO ENG on  
behalf of themselves and all others similarly  
situated,

By their attorneys,

/s/ Shannon Liss-Riordan

Shannon Liss-Riordan (NY Bar No. 2971927)  
Thomas Fowler,  
*pro hac vice* forthcoming  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 17, 2019, a true and accurate copy of the foregoing Motion was filed via this Court's CM/ECF system.

/s/ Shannon Liss-Riordan  
Shannon Liss-Riordan